PTO/SB/28 (09-04)

TOUSE/26 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Petent and Tradsmark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TEDMINAL DISCLAUMED TO COMMERCE TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING 244.002 REJECTION OVER A "PRIOR" PATENT In re Application of: Lewis, Michael Application No.: 10/606,982 Filed: 06/26/2003 For: External Pulsation Cuff Unit The owner\*. Michael Lewis of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,620,116 as the term of said prior patent is defined in 35 U.S.C. 154 the expiration date of the full statutory term prior patent No. <u>6,620,116</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either box 1 or 2 below, if appropriate. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. 2. Lil The undersigned is an attorney or agent of record. Reg. No.\_ 12/01/2005 Michael P. Lewis Typed or printed name 713,850.74596 Telephone Number Terminal disclaimer fee under 37 CFR 1.20(d) included. WARNING: Information on this form may become public. Credit card Information should not be included on this form. Provide credit card information and authorization on PTO-2038. \*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will very depending upon the individual case. Any comments on the smouth of time you require to complete this form and/or suggestions for inducing this burden, should be sent to the Chief Information Officer, U.S. Petent and Trademark Office, U.S. Department of Commence, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

if you need essistance in completing the form, call 1-800-PTO-8189 and select option 2.

## KEELING PATENTS AND TRADEMARKS

3310 KATY FREE WAY, SUITE 100 HOUSTON, TEXAS 77007

KENNETH A. KEELING SARA K. M. HINKLEY KENNETH BEYERS TELEPHONE: (713) 579-3001 FACSIMILE: (713) 579-3002 PATENTS@IPLAW-TX.COM

KENNETH BEYERS	PATENTSWIFTAW-LASSAM
FACSIMILE TRANSMITTAL SHEET	
TO Danton Demille	FROM: Sara Mooney Hinkley
COMPANY: USPTO	DATE: February 16, 2006
FAX NUMBER: 571.273.4974	TOTAL NO. OF PAGES INCLUDING COVER:
PHONE NUMBER:	sender's reference number: 244.002
U.S. Application No. 10/606,98	YOUR REFERENCE NUMBER: U.S. Application No. 10/606,982
☐ URGENT ☑ FOR REVIEW ☐ I	lease comment
ORIGINAL WILL FOLLOW NOTES/COMMENTS:	☑ ORIGINAL <u>WILL NOT</u> FOLLOW
Dear Sir:	
Please find following this fax coverapplication.	sheet the terminal disclaimer for the referenced patent
Very kind regards, Suck W. Hilley Sara K. M. Hinkley	-

CONFIDENTIAL NOTICE:
THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED OR AGENT OR EMPLOYEE RESPONSIBLE FOR DELIVERY TO THE INTENDED RECIPIENT. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION, OR COPY OF THIS TELECOPY IS PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE: (713) 680-1447 OR FAX: (713) 680-8567, AND RETURN THE ORIGINAL TRANSMISSION TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE. THANK YOU.